

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TERRY EZELL,

Plaintiff,

v.

SHAWNA MCCANN,

Defendant.

Case No. C23-729RSM

ORDER DENYING SECOND
MOTION TO EXTEND TIME FOR
SERVICE

This matter comes before the Court on Plaintiff Terry Ezell's "Amended Motion to Extend the Time for Service," Dkt. #22. Mr. Ezell filed a Motion to Extend Time for Service on October 4, 2023. Dkt. #20. The Court denied that Motion. Dkt. #21. As the Court understands it, Mr. Ezell filed the instant Motion after his first Motion but prior to receiving the Court's Order. He states now that he "became aware after the filing of his motion... that the deadline to serve under Rule 4(m) was Amended to 90 days." Dkt. #22 at 1. Mr. Ezell asks for more time and announces that he has now sent copies of the summons and complaint to the United States Attorney, and the Attorney General, as well as Defendant McCann. *Id.* at 2.

This case was closed on October 3, 2023. Dkt. #19. Plaintiff's claims were dismissed without prejudice. The Court has previously explained why an extension of the time for service

1 is not warranted under the facts of this case. *See* Dkt. #21. Nothing in the instant Motion alters
2 the Court's analysis. Untimely service of Defendants will not reopen this case.

3 Accordingly, the Court hereby finds and ORDERS that Plaintiff's Amended Motion to
4 Extend the Time for Service, Dkt. #22, is DENIED. This case remains CLOSED. The Court
5 DIRECTS the clerk to send copies of this Order to Plaintiff at his current address of record AND
6 to the address listed in his latest filing:
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8 Terry L. Ezell #35187-086
9 Federal Correctional Institution
10 P.O. Box 5000
11 Sheridan, OR 97378

12 DATED this 10th day of October, 2023.

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14 RICARDO S. MARTINEZ
15 ITED STATES DISTRICT JUDGE
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